

THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE
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Shanghai Patent & Trademark Law Office

Date of Dispatch
November 7, 2003

Application No.: 01122658.7	Applicant: Matsushita Electric Industrial Co., Ltd.
Application Date: June 29, 2001	Agent:
Title: レーザー加工装置及び方法	

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NOTICE ON OFFICE ACTION

- ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.
☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
- ☒ The applicant has requested that the filling date of
June 30, 2000 at the JP Patent Office as the priority date,
June 8, 2001 at the JP Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,
☒ The applicant has already submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed.
☐ The applicant has not submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed. It is deemed not having claimed priority according to the provision stipulated in Article 30 of the Patent Law.
☐ This application is a PCT application.
- ☐ The applicant submitted on _____ and _____ the amendment documents.
On examination, among them,
the _____ submitted on _____ can not be accepted.
the _____ submitted on _____ can not be accepted.
Because the above amendment
☐ does not conform with the provisions of Article 33 of the Chinese Patent Law,
☐ does not conform with the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law,
Refer to the text of the Notice for the specific reasons why the amendment cannot be accepted

4. ☒ The examination has been proceeded on the original application documents.
☐ The examination is directed at the following application documents:
 Claim _____, page _____ of the specification, page _____ of the drawing of the original application documents submitted on the date of filing.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Abstract of the specification submitted on _____, the drawing of the Abstract submitted on _____.

5. ☐ This Notice is made under the condition of no search having been conducted.
☒ This Notice is made under the condition of search having been conducted.
☒ This Notice has cited the below comparison documents (the number of which shall continue to be used in the subsequent examination procedures):

No.	Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	US5670069A	Sep 23, 1997
2	US4832469A	May 23, 1989
3		
4		

6. The conclusive opinion drawn from the examination:

☐ **As regards the Specification:**

- ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.
☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.
☐ The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

☒ **As regards the Claims:**

- ☒ Claim 1, 8, 10 does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.
☒ Claim 2-7, 9, 11 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.
☐ Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.
☐ Claim _____ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.
☐ Claim _____ does not conform with the provision of Item 4, Article 26 of the Patent Law.
☐ Claim _____ does not conform with the provision of Item 1, Article 31 of the Patent Law.
☐ Claim _____ does not conform with the definition of invention as stipulated in Item 1, Article 2 of the Implementing Regulations of the Patent Law.
☐ Claim _____ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.
☒ Claim 1-11 does not conform with the provisions of Rules 20 to 23 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

7. Based on the above conclusive opinion, the Examiner deems that:
- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
 - ☐ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
 - ☒ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.
8. The applicant is asked to note the following items:
- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **four months** from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn
 - (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
 - (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
 - (4) The observations and/or the amended documents shall be mailed or delivered to Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to Department of Receipt.
9. The text portion of this Notice totals 3 page(s), and includes the following attachment(s):
- ☒ duplicate copy(ies) of cited comparison document(s), altogether 2 copy(ies) 24 pages.
 - ☐

Examination Department: _____ Examiner(Seal): _____

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TEXT OF THE FIRST OFFICE ACTION



This application for patent for invention relates to a レーザー加工装置及び方法. The substantial opinions drawn from the examination are as follows:

1. Independent claim 1 claims to protect a レーザー加工装置. Reference 1 (US 5670069) is an associated comparative document. In Reference 1, a レーザー加工方法 has been disclosed (See claim 1 and Figures 1 and 3), wherein レーザー発振器 100 から出射されたレーザー光を θ レンズ 56 により集光して被加工物 6 上に照射することにより、被加工物をレーザー加工するレーザー加工装置において、レーザー発振器と被加工物との間に、レーザー光の所定波長のみを選択して透過させる波長選択手段 2 を備えた. Spatial filter 2 serves as the 波長選択手段 in claim 1. It can be seen that Reference 1 has disclosed all the technical feature of claim 1, resulting in claim 1 not possessing the novelty as stipulated in Item 2, Article 22 of the Patent Law in view of Reference 1.

2. Dependent claims 2-5 further define the レーザー加工装置 in claim 1, in particular, the 波長選択手段. However, the レーザー加工装置 has been disclosed in Reference 2 (US4832469A) (See Figures 14 and 15). In Figures 14 and 15, the laser beam emitted from semiconductor laser 31 is collimated, then enters a prism 33, passes through convergent lens 34 and spatial filter 35 and may finally be reflected to prism 33 (See line 45 of column 11 though line 48 of column 12). The foregoing optical system consists of a 波長選択手段. This optical system functions the same as the 波長選択手段 described in claims 2-5 with some minor differences in structures. However, the minor differences is easy to be realized to those skilled in the art, because it is widely used means using light block plate to control the amount of passed

light, letting light beam pass through prism several times and depositing mirrors respectively on the left and right side of the prism. The widely used means possesses no prominent substantive features. That is, the technical solution claimed by claim 2 does not possess prominent substantive features or notable progress in view of Reference 2 and the widely used means in conjunction with Reference 1. Therefore, it does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

3. Dependent claims 6 and 7 further define the レーザー加工装置 in claim 1, in particular, the 波長選択手段. However, providing 回折格子 and 偏光子 in optical path is the most conventional technical means in the art, which is easy for those skilled in the art to realize. Based on the above reasons, claims 6 and 7 do not possess the inventiveness as prescribed in Item 3, Article 22 of the Patent Law.

4. Independent claim 8 claims to protect a レーザー加工装置. Reference 1 (US 5670069) is an associated comparative document. In Reference 1, a レーザー加工方法 has been disclosed (See claim 1 and Figures 1 and 3), wherein レーザー発振器 100 から出射されたレーザー光を走査手段 4 および 凹レンズ 56 により走査、集光して被加工物 6 上に照射することにより、被加工物に穴開け加工を行うレーザー穴加工装置において、レーザー発振器と被加工物との間に、レーザー光の所定波長のみを選択して透過させる波長選択手段 2 を備えた. Spatial filter 2 serves as the 波長選択手段 in claim 8. It can be seen that Reference 1 has disclosed all the technical feature of claim 8, resulting in claim 8 not possessing the novelty as stipulated in Item 2, Article 22 of the Patent Law in view of Reference 1.

5. Dependent claim 9 further defines the レーザー加工装置 in claim 8,

indicating that 走査手段はガルバノメータである, which is the common knowledge in the art. The applicant has also mentioned this point in the Background Art part of the Specification. Therefore, dependent claim 9 does not possess inventiveness in view of Reference 1.

6. Independent claim 10 claims to protect a レーザー加工方法. Reference 1 (US 5670069) is an associated comparative document. In Reference 1, a レーザー加工方法 has been disclosed (See claim 1 and Figures 1 and 3), wherein レーザー発振器 100 から出射されたレーザー光を走査手段 4 および 凹レンズ 56 により走査、集光して被加工物 6 上に照射することにより、被加工物に穴開け加工を行うレーザー穴加工装置において、レーザー発振器と被加工物との間に、レーザー光の所定波長のみを選択して透過させる波長選択手段 2 を備えた. Spatial filter 2 serves as the 波長選択手段 in claim 10. It can be seen that Reference 1 has disclosed all the technical feature of claim 10, resulting in claim 10 not possessing the novelty as stipulated in Item 2, Article 22 of the Patent Law in view of Reference 1.

7. Dependent claim 11 further defines the レーザー加工方法 of claim 10, in particular, the structures of the 波長選択手段. The examiner has indicated that the 波長選択手段 is easy to realize for those skilled in the art under the prompt of Reference 2 (See line 45 of column 11 through line 48 of column 12 and Figures 14 and 15 of the Specification) and common knowledge in combination. The technical solution claimed by claim 11 does not possess prominent substantive features or notable progress in view of Reference 2 and the common knowledge in conjunction with Reference 1. Therefore, it does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

8. Since the examiner fails to find any patentable contents in the

Specification, further problems are not listed herein any more. For example, claims 1-11 do not conform to the provision of Item 1, Rule 20 of the Implementing Regulations of the Patent Law. Namely, the word "手段", the position of the 波長選択手段 in the optical path, etc., are not clear.

Summing up the above, this application does not possess the prospect of being granted. If the applicant fails to present convincing reasons for the present application's possessing inventiveness, this application will be rejected under Article 38 of the Patent Law.